

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD., Plaintiff,	)	
	)	
	)	C.A. No. 21-1015 (JLH)
v.	)	
	)	
SAREPTA THERAPEUTICS, INC., Defendant.	)	
	)	
SAREPTA THERAPEUTICS, INC. and THE UNIVERSITY OF WESTERN AUSTRALIA, Defendant/Counter-Plaintiffs	)	
	)	
v.	)	
	)	
NIPPON SHINYAKU CO., LTD. and NS PHARMA, INC., Plaintiff/Counter Defendants.	)	
	)	

**VERDICT FORM (PHASE I)**

### **INSTRUCTIONS**

When answering the following questions and completing this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions for guidance on the law applicable to each question.

As used herein:

1. The NS Patent refers to U.S. Patent No. 10,385,092.
2. The Wilton Patent refers to U.S. Patent No. 9,994,851.

We, the jury, unanimously agree to the answers to the following questions as our verdict in this case:

**FINDINGS ON INVALIDITY OF THE NS PATENT**

**Directions for Question 1:** Please answer Question 1.

**Obviousness of the Asserted Claims of the NS Patent**

1. Has Sarepta proven by clear and convincing evidence that the following claim of the NS Patent is invalid as obvious? Place a check mark in the appropriate box for each listed asserted claim.

Claim 3 of the NS Patent (U.S. Patent No. 10,385,092)	
YES (finding for Sarepta)	NO (finding for Nippon Shinyaku)

**FINDINGS ON WILLFUL INFRINGEMENT OF NS PATENT (IF APPLICABLE)**

**Directions for Question 2:** If you answered “NO” for Question 1, answer Question 2. Otherwise, skip to Question 3.

- 2. Has Nippon Shinyaku proven by a preponderance of the evidence that Sarepta has willfully infringed claim 3 of the NS Patent?**

*Checking “YES” below indicates a finding for Nippon Shinyaku*

*Checking “NO” below indicates a finding for Sarepta*

YES \_\_\_\_\_

NO \_\_\_\_\_

**FINDINGS ON INVALIDITY OF THE WILTON PATENT**

**Directions for Questions 3-4:** Answer Questions 3 and 4, regardless of how you answered any other Question.

**Written Description Requirement for the Asserted Claim of the Wilton Patent**

3. Have Nippon Shinyaku and NS Pharma proven by clear and convincing evidence that the following claim of the Wilton Patent is invalid for lack of adequate written description? (Place a check mark in the appropriate box below.)

Claim 1 of the Wilton Patent (U.S. Patent No. 9,994,851)	
<b>YES</b> (finding for Nippon Shinyaku and NS Pharma)	<b>NO</b> (finding for Sarepta)

**Enablement Requirement for the Asserted Claim of the Wilton Patent**

4. Have Nippon Shinyaku and NS Pharma proven by clear and convincing evidence that the following claim of the Wilton Patent is invalid for lack of enablement? (Place a check mark in the appropriate box below.)

Claim 1 of the Wilton Patent (U.S. Patent No. 9,994,851)	
<b>YES</b> (finding for Nippon Shinyaku and NS Pharma)	<b>NO</b> (finding for Sarepta)

**FINDINGS ON WILLFUL INFRINGEMENT OF WILTON PATENT (IF APPLICABLE)**

**Directions for Question 5:** If you answered “NO” for each of Questions 3-4, answer Question 5. Otherwise, proceed to the last page of the Verdict Form.

- 5. Have Sarepta and UWA proven by a preponderance of the evidence that Nippon Shinyaku and NS Pharma have willfully infringed claim 1 of the Wilton Patent?**

*Checking “YES” below indicates a finding for Sarepta and UWA*

*Checking “NO” below indicates a finding for Nippon Shinyaku and NS Pharma*

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

You have now reached the end of the verdict form, and you should review it to ensure it accurately reflects your unanimous determinations. You must each sign the verdict form in the spaces below and notify the Jury Officer after you have reached a verdict.

Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_